

NEBRASKA ADMINISTRATIVE CODE

TITLE 131 – NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 5 - GENERAL REQUIREMENTS FOR NONPOINT SOURCE CONTROL SYSTEM PROJECTS AND LAND ACQUISITION AND SOURCE WATER PROTECTION PROJECTS

001 Loan applicants will use the procurement procedures in accordance with Chapter 4, 001.

002 Loan applicants will satisfy the following:

002.01 Public participation and environmental review requirements in accordance with Chapter 4, 002 and 003 respectively.

002.02 Cost and Effectiveness Analysis requirements in accordance with Chapter 4, 005.04.

003 General Planning requirements. Loan applicants will prepare an engineering report which defines the project, its purpose, and its scope.

003.01 Alternatives will be evaluated for the project through a cost-effectiveness analysis and other non-monetary considerations of an engineering evaluation. The engineering report will demonstrate that the selected alternative is cost-effective.

003.02 An evaluation of the environmental impacts including ground water and surface water impacts of the selected alternative will be included in the engineering report.

003.03 For the selected alternative, a concise description will be provided in the engineering report of at least the following:

003.03A Relevant design parameters including project design life.

003.03B Estimated capital construction costs and the associated operation and maintenance costs, and a description of the manner in which costs will be financed.

003.03C Cost impacts on the entities who benefit from the Nonpoint Source Control System project or the land acquisition and source water protection project.

003.03D Institutional and management arrangements necessary for successful implementation.

003.04 Submission and review of the engineering report. Each engineering report will be submitted to the Department for review.

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004 Loan applicants will have plans and specifications prepared by registered professional engineers and submitted to the Department for review and approval.

005 Construction contracts shall be prepared in accordance with Chapter 4, 005.04.

006 Construction award and construction activities shall be in accordance with Chapter 4, 006.

007 Effect of Approval or Certification of Documents. Review or approval of engineering reports, design drawings and specifications, or other documents by the Department does not relieve the loan recipient of its responsibility to properly plan, design, build, and effectively operate and maintain the Nonpoint Source Control Systems and land acquisition and source water protection projects described in the loan as required under the CWSRF Act or DWSRF Act, regulations, permits, and good management practices.

008 Access to ground water monitoring wells shall be provided at all reasonable times for such purposes as inspection, monitoring, building, operation, rehabilitation, and replacement.

009 Use Ordinances or User Charge Systems: The loan recipient shall include ordinance provisions required by the Department for any use ordinance or user charge system enacted in relation to the nonpoint source control system or the land acquisition and source water protection project.

Enabling Legislation: Neb. Rev. Stat. §81-15,152; §81-15-153; §71-5318; §71-5322; §71-5324

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